

REICH & BINSTOCK, LLP

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FIRM PROFILE: Reich & Binstock, a Houston, Texas based law firm was founded in 1980 and since that time has enjoyed an extensive trial practice in virtually every area of civil litigation including medical malpractice, nursing home litigation, all areas of personal injury trial law, product liability, class action litigation, consumer protection, commercial litigation, and toxic and environmental torts. The firm has successfully resolved numerous chemical exposure and hazardous waste cases against major domestic and multinational corporations. As the law has become more specialized and complex, Reich & Binstock, LLP attorneys have kept pace and are consistently on the cutting edge of litigation throughout the United States. Reich & Binstock, LLP attorneys are committed to providing top-quality legal representation through academic excellence, professional expertise, and teamwork. Its stellar reputation in the legal community has afforded Reich & Binstock, LLP the opportunity to partner with leading law firms across the country, while setting precedents and providing unparalleled service to its clients.

ATTORNEYS

Dennis C. Reich, born Los Angeles, California 1949. ***Admitted:*** 1975, State Bar of Texas; 1976, State Bar of California, U.S District Court, Southern District of Texas; 1981, U.S. Court of Appeals, Fifth and Eleventh Circuits; 1982, U.S. District Court, Eastern District of Texas, 1993, U.S District Court, Arizona; 1992 Board Certified in Personal Injury Trial Law, Texas Board of Legal Specialization. ***Education:*** University of Connecticut (B.A.) *magna cum laude*, 1972; University of Houston School of Law (J.D. 1975). ***Member:*** Houston and American Bar Associations, The Association of Trial Lawyers of America, Texas Trial Lawyers Association. ***Author & Speaker:*** Former Co-Editor, Mealey's Toxic Tort Reporter; Co-chairman Mealey's UST and Fossil Fuel Litigation Conference, Phoenix, Arizona (October 23-24, 2000); "After the Dust Settles: Clearing the Air in the Debate over the Carcinogenicity of Diesel Exhaust to Humans"; Houston Bar Association Energy and Environmental Law Institute, Houston, Texas (December 2, 1999); "Toxic Torts After Daubert and Beyond"; State Bar of Texas 11th Annual Advanced Personal Injury Law Course, Fort Worth, Texas (August 2, 1995); "Product Liability Law in Texas"; Mealey's Underground Storage Tank Litigation Conference, Amelia Island, Florida (June 8-9, 1998); "Underground Storage Tank Litigation"; Panelist, South Texas College of Law's Energy Law Institute for Attorneys and Landmen, 2001; "What Works and What Doesn't In Settling Mass Tort Claims"; South Texas College of Law Seminar: 5th Annual Environmental Law Symposium, Houston, Texas (1995); "Problems and Pitfalls in Initiating an Environmental Cause of Action". ***PRACTICE AREAS:*** Class Action Litigation; Toxic and Environmental Torts; Personal Injury; Product Liability; Consumer Protection; Mass Torts. E-Mail: dreich@reichandbinstock.com

Robert J. Binstock, born Pittsburgh, Pennsylvania, 1955. **Admitted:** 1982, State Bar of Texas, U.S. District Court, Southern District of Texas; 1983, U.S. District Court, Eastern District of Texas; 1989, U.S. Court of Appeals, Eleventh Circuit; 1990 United States Supreme Court; 1993 Board Certified in Personal Injury Trial Law, Texas Board of Legal Specialization. **Education:** University of Pittsburgh (B.A. 1978); South Texas College of Law (J.D. 1981). **Member:** Houston and American Bar Associations, The Association of Trial Lawyers of America, Texas Trial Lawyers Association. **PRACTICE AREAS:** Medical Malpractice; Nursing Home Neglect; Personal Injury; Toxic & Environmental Torts; Pharmaceutical & Medical Devise Mass Tort Litigation, Consumer Protection and Class-Action Litigation. E-Mail: bbinstock@reichandbinstock.com

ASSOCIATES

Shari A. Wright, born Houston, Texas; **Admitted:** 1991, State Bar of Texas; U.S. District Court, Eastern and Southern Districts of Texas; U.S. District Court, Arizona. **Education:** B.A. University of Houston, 1973; J.D. South Texas College of Law, *magna cum laude*, 1990; law review. **PRACTICE AREAS:** Personal Injury; Medical Malpractice, Toxic and Environmental Torts. E-Mail: swright@reichandbinstock.com

Linda L. Laurent, born Montreal, Canada, May 26, 1962; **Admitted:** 1987, State Bar of Texas; U.S. District Court, Southern District of Texas. **Education:** University of Texas at Austin (B.A. 1984); South Texas College of Law (J.D. *cum laude*, 1987). Phi Delta Phi. **Member:** State Bar of Texas. **PRACTICE AREAS:** Personal Injury; Toxic and Environmental Torts; Medical Malpractice; Product Liability. E-Mail: llaurent@reichandbinstock.com

Paul T. Warner, born Louisville, Kentucky, August 4, 1968; **Admitted:** 1994, State Bar of Texas; 2000, U. S. District Court, Southern District of Texas; 2002, U.S. District Court, Eastern, Western, and Northern Districts of Texas; 2003, U.S. Court of Appeals, Fifth Circuit. **Education:** University of Texas at Austin (B.A. 1990); Texas Tech University School of Law (J.D., 1994). **Member:** Jefferson County, Houston and American Bar Associations; State Bar of Texas; The Association of Trial Lawyers of America, Texas Trial Lawyers Association. **PRACTICE AREAS:** Class Action Litigation; Shareholder Derivative Litigation; Personal Injury; Product Liability; Consumer Protection; Medical Malpractice; Nursing Home Neglect; Toxic & Environmental Torts. E-Mail: pwarner@reichandbinstock.com

Michael T. Howell, P. G., born Farmington, New Mexico, December 26, 1966; **Admitted:** 2000, State Bar of Texas; U. S. District Court, Southern District of Texas, 2001, U.S. District Court, Western District of Texas. **Education:** Texas A&M University (B.S., Geology, Engineering Option, 1991) Licensed Professional Geologist; South Texas College of Law (J.D., 1999). Phi Delta Phi. **Professional Licenses:** Professional

Geologist (Illinois-Inactive). **PRACTICE AREAS:** Toxic & Environmental Torts; Personal Injury; Medical Malpractice. E-Mail: mhowell@reichandbinstock.com

Michael C. Watson, born Saigon, Vietnam, November 7, 1971; **Admitted:** 2000, State Bar of Texas; U.S. District Court, Southern District of Texas. **Education:** University of Texas at Arlington (B.A. 1996); South Texas College of Law (J.D. 1999). **Member:** American Bar Association, Asian American Bar Association, The Association of Trial Lawyers of America. **PRACTICE AREAS:** Personal Injury; Product Liability; Consumer Protection; Medical Malpractice. E-Mail: mwatson@reichandbinstock.com

Debra Brewer Hayes, Of Counsel, born Crossville, Tennessee; **Admitted:** 1986, State Bar of Texas; U.S. District Court, Southern and Northern Districts of Texas. **Education:** Cleveland State University (B.A.), *summa cum laude*, 1981; South Texas College of Law (J.D.), *cum laude*, 1986, Order of the Lytae. **Member:** Texas Trial Lawyers Association, Houston and American Bar Associations; State Bar of Texas; The Association of Trial Lawyers of America; Million Dollar Advocates. **PRACTICE AREAS:** Class Action Litigation; Personal Injury; Product Liability; Commercial Litigation; Consumer Protection; Premises Liability; General Negligence; Toxic Tort Litigation; Mass Tort Litigation. Author: *"Organizing and Computerizing Your Staff for Mass Litigation."* E-Mail: dhayes@reichandbinstock.com

Representative Cases:

Toxic & Mass Tort:

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation MDL No. 1358, Master File C.A. 1:00-1898 (SAS); In the United States District Court, Southern District of New York; member of Plaintiffs' Executive Committee. National class action seeking monitoring and remediation of MTBE contamination in private drinking water wells in states where MTBE has been mandated under the Clean Air Act. (Hon. Shira A. Sheindlin).

Civil Action No. H-89-3487; *Elzina Avalos, et al. vs. Atlantic Richfield Company, et al.*; in the United States District Court for the Southern District of Texas, Houston Division; lead counsel in multimillion dollar mass action settlement of personal injury and property damage claims for 1,700 persons residing near a superfund site. (Hon. David Hittner).

Civil Action No. H-92-1054; *Lillian Hayden, et al. v. Atochem North America, Inc., et al.*; In the United States District Court for the Southern District of Texas, Houston Division. Lead counsel in multimillion-dollar class action settlement involving personal injury, medical monitoring, and property damages for 25,000 persons residing near arsenic emitting facility. (Hon. Lynn Hughes).

Civil Action No. H-84-2524; *Gloria Chaplin, et al vs. Exxon Company, et al.*; In the United States District Court for the Southern District of Texas, Houston Division. *Chaplin* involved representation of several hundred individuals who claimed property damage and personal injury as a result of living near a toxic waste site. *Chaplin* was probably the first

toxic waste disposal case actually tried in Harris County, Texas. (Tried to successful verdict and settled).

Civil Action No. CIV-87-561-R; *Sandra K. Beall, et al vs. Senoret Chemical Company, Inc.*, In the United States District Court for the Western District of Oklahoma. This case involved the representation of 200 postal workers who were exposed to orth- and para-dichlorobenzene, which was an ingredient in a deodorizer that was used as a cleaning solution by janitors at the downtown post office in Oklahoma City. (Tried to successful verdict and settled).

Cause NO. 90-63442; *Eura D. Charles, et al v. Kings Park Apartments, et al*; In the 80th Judicial District Court of Harris County, Texas. *Charles* involved the improper application of Chlordane at an apartment complex. Reich and Binstock represented approximately 350 former tenants who were exposed to harmful levels of pesticide. (Multimillion-dollar settlement)

CIV 91-2067 PHX WPC; *Maurice L. McIntire, et al v. Motorola, Inc.*; In the United States District Court for the District of Arizona. *McIntire* involved approximately 1,000 persons who instituted litigation against Motorola in connection with P.C.E. and T.C.E. releases from its manufacturing facilities near Phoenix, Arizona. The releases led to the sites being classified as federal super-fund sites, and caused groundwater contamination and various personal injuries and property damage. (Confidential settlement) (Hon. Paul Rosenblatt).

No. 39,988; *Russell G. Thompson, et al, on behalf of themselves and others similarly situated vs. Walter M. Mischler Co., et al.*; In the 284th Judicial District Court of Montgomery County, Texas. *Thompson* involved approximately 500 property owners that were subjected to repeated flooding as a result of faulty engineering of the subdivision. (Contested class certification hearing followed by a multimillion-dollar settlement).

Cause No. 93-5767-B; *Julian Simms, Jr., et al. v. Amerada Hess Corporation, et al*; In the 117th Judicial District Court of Nueces County, Texas. Co-lead counsel for approximately 4,000 property owners who sued for groundwater contamination and air pollution associated with releases from several refineries and petrochemical processing plants in the area. (Highly complex case yielding multimillion-dollar settlement).

Cause No. 92-13768-H; *Emma J. Adams, et al vs. RSR Corporation, et al*, In the 160th Judicial District Court of Dallas County, Texas. Co-lead counsel in multimillion-dollar lead smelter litigation involving 451 neighborhood children who were exposed to heavy metals such as arsenic, lead, and cadmium that were emitted from a poorly controlled battery recycling plant.

Cause No. C95-1004-D1; *Alfredo Flores, et al vs. RSR Corporation, et al*. In the 49th Judicial District of Webb County, Texas. Co-lead counsel in multimillion-dollar settlement involving 1,200 children and adults who resided in El Florido, Mexico who lived near a smelter owned by a company that received unmanifested shipments of lead slag, dross and waste materials from the United States.

CV-96D-940-N; *Buddy Lynn et al. v. Amoco Oil Company; et al.*; In the United States District Court for the Middle District of Alabama Northern Division. Members of

plaintiffs' steering committee in a nationwide class action lawsuit representing property owners whose properties have sustained contamination as a result of releases from underground storage tanks located at service stations throughout the United States. (Hon. Myron Thompson).

Cause No. 96-CVQ014398-D3, *Manuela Navarro v. Missouri pacific Railroad Co., et al.*; in the 341st Judicial District of Webb County, Texas. *Navarro* involved personal injury and wrongful death damages by a long-term employee of a railroad who developed multiple myeloma as a result of exposure to diesel exhaust. (FELA case in which Plaintiffs obtained two million dollar verdict. Verdict has been appealed on *Daubert* grounds).

Cause No. CV-97-P-0595-W; *Rodney Wesley et al v. Colonial Pipeline Company*; In the United States District Court Northern District of Alabama; Co-lead counsel in multi-state class action settlement requiring petroleum pipeline to accelerate and upgrade its compliance with federal regulations and enhanced maintenance practices). (Chief Judge Sam C. Pointer, Jr.)

Cause No. PJM-00-1429; *Williams, et al v. Potomac Electric Power Co.*; In the United States District Court for The District of Maryland (Southern Division); Multimillion-dollar settlement of class action involving property damages to riparian property owners and watermen who sustained economic losses as a result of a pipeline rupture and fuel spill along the Patuxent River in Southern Maryland. The incident was the single worst environmental disaster in Maryland history. (Hon. Peter J. Messitte).

Cause No. 95-05055; *Julian A. Alvarez, et al. vs. Velsicol, et al.*; In the 152nd Judicial District Court of Harris County, Texas, Judge Harvey Brown. This case involves the improper application of the pesticide chlordane. The firm represented approximately 217 children of former tenants of an apartment complex who were exposed to harmful levels of this pesticide. (Confidential settlement)

Cause No. 94-CI-13683; *Jeannine Martinez, et al. vs. The City of San Antonio, et al.*; In the 131st Judicial District Court of Bexar County, Texas; Cause No. 94-CI-06521; *Eric T. Ferguson, Sr., et al. vs. Alamo Ironworks, Inc.*; In the 131st District Court of Bexar County, Texas; Cause No. 94-CI-05650; *William Hernandez, et al. vs. Via Metropolitan Transit, et al.*; In the 225th Judicial District of Bexar County, Texas, Judge David Peebles. Lead Counsel in these consolidated actions involving San Antonio residents with property damage and personal injury claims due to lead contamination arising from the construction of the Alamodome. (Multimillion-dollar settlement)

Cause No. 94-003111; *Henry Castillo, et al. vs. Fina Oil and Chemical Company et al.*; In the 157th Judicial District Court of Harris County, Texas, Judge David Medina. This case involved soil and groundwater contamination from an old refinery site. The site had been designated the *No. 1 Superfund Site* in Texas, and involved over 500 plaintiffs. (Multimillion-dollar settlement)

Cause No. 98-B-51; *Aaron v. Samsung*. In the 3rd Judicial District Court of Henderson, County, Texas. This case involved a group of 1,000 plaintiffs who were exposed to solvents, formaldehyde and other toxic substances during their employment at a television manufacturing plant in Athens, Texas. (Confidential settlement)

Cause No. B-146, 864; *David Mack Albright v. Aeroquip Corp., et al.*; In the 60th Judicial District Court of Jefferson County, Texas. Albright was a consolidated action involving more than 100 plaintiffs and multiple defendants stemming from the September 1991 fire at the Imperial Foods Plant in Hamlet, North Carolina, which killed 25 people and injured more than 80 others. The incident remains the worst industrial accident ever recorded in North Carolina. (Multimillion-dollar settlement)

Civil Action No. 1:02CV01620; *Olachukwu Nnadili in Her Own Right and On Behalf of Her Minor Children, et al vs. Chevron USA, Inc., et al.*; In the United States District Court for the District of Columbia; (Hon. Ellen Segal Huevelle); Reich & Binstock is co-lead counsel in this action seeking injunctive relief, medical monitoring, compensatory and punitive damages for wrongful death, personal injuries, property damage and other claims for losses suffered by Plaintiffs as a result of the release of petroleum products from a gas station which has created one of the largest underground plumes of petroleum product contamination from a retail gasoline station in the United States.

Cause No. 1993-04644; *Mike Adalis, et al vs. Neighborhood Development Corporation, et al.*; In the 269th Judicial District Court, Harris County, Texas. Reich & Binstock is co-counsel in this suit against Exxon for personal injuries and property damages caused by the contamination of the water supply in Three Lakes in Northwest Harris County. The Plaintiffs were exposed to dangerously high levels of benzene and other chemicals from the Municipal Utility District (MUD) No. 1 water well. The case was tried and a jury verdict in excess of \$7,000,000.00 was received by 6 of the 450+ plaintiffs. The verdict was appealed by Exxon, and the case is currently in the Court of Appeals For the Fourteenth District of Texas.

Cause No. 99-1485-E; *Agustina Reyna Gonzalez, et al. vs. CITGO Petroleum Corp, et al.*; and consolidated cases; In the 148th Judicial District Court of Nueces County, Texas. *Gonzalez* involves the negligent exposure of thousands of residents near CITGO's Corpus Christi, Texas refinery to hydrofluoric acid released from the Alkylation unit during a refinery explosion. A multimillion-dollar settlement is pending in the case.

Consumer Protection:

CV98-P-1546 *Natasha Claybrook et al. v. BRK Brands, Inc., f/k/a First Alert; Sunbeam Corporation a/k/a Sunbeam Products, Inc.*, In the United States District Court for the Northern District of Alabama, Western Division; co-lead counsel in a consumer class action

settlement involving an education, and rebate program for users of residential smoke detectors. (Hon. C. W. Clemon, Chief Judge).

Cause No. H-01-3913; Pamela Tittle, et al v. Enron Corp., et al; In the United States District Court for the Southern District of Texas. Co-counsel in consolidated action representing thousands of current and former Enron employees who sustained massive losses to their E.R.I.S.A. governed benefit plans as a result of breached fiduciary duties (Hon. Melinda Harmon)

Cause No. 95G2299; *Doyle and Wanda Adam, et al. v. Texas Department of Transportation, et al.;* In the 239th Judicial District Court of Brazoria County, Texas. Reich & Binstock was lead counsel in this property damage suit involving the representation of 400 plaintiffs in Northern Brazoria County against the Texas Department of Transportation and various developers for flood damages to their homes in October 1994. Plaintiffs alleged inverse condemnation claims against TXDOT and other governmental entities. (Confidential settlement)

Civil Action No. 03-MD-01568 (MDL 1568); *In re Parcel Tanker Shipping Services Antitrust Litigation,* In the United States District Court for District of Connecticut, Honorable Alfred V. Covello. Court appointed Co-Lead counsel on behalf of a class of indirect purchasers of bulk liquid chemicals, edible oils, acids, and other specialty liquids who sustained economic damages as a result of an alleged conspiracy among the defendants to allocate markets and customers and unreasonably restrain trade, thereby artificially inflating the price of shipping services by parcel tankers.

Shareholder Derivative Litigation:

Cause No. 2002-25250; *In re Dynegy, Inc. Derivative Litigation;* In the 164th Judicial District Court of Harris County, Texas, Judge Martha Hill-Jamison. Court appointed Liaison counsel in this consolidated action stemming from the accounting and trading practices of this multinational energy corporation that led to massively overstated revenues.

Cause No. 416-2147-02; *In re Electronic Data Systems Corporation Derivative Litigation,* In the 366th Judicial District Court of Collin County, Texas, Judge Chris Oldner. Court appointed Co-Lead counsel in this consolidated action arising from the accounting practices of one of the nation's largest technical consulting firms.

Case No. H-02-0761; *Harbor Finance Partners, Derivatively on Behalf of Hanover Compressor Company v. McGhan, et al.;* In the United States District Court for the Southern District of Texas, Honorable Vanessa Gilmore. The global settlement of the consolidated Hanover Compressor securities, ERISA, and derivative litigation resulted in a recovery of more than \$80 million in cash and securities. In addition, and perhaps more importantly, produced corporate governance reforms that were described as “unprecedented” and “groundbreaking”. *This Settlement Raises the Governance Bar; Hanover Compressor’s Landmark Agreement with Shareholders to Embrace Major Corporate Reforms Could Have Profound Repercussions*, Stephanie Anderson Forest, BusinessWeek Online, May 15, 2003.

Cause No. 2002-13602; *John Gebhardt and Marilyn Clark, Derivatively on Behalf of El Paso Corporation v. Byron Allumbaugh, et al.*; In the 295th Judicial District Court of Harris County, Texas, Judge Tracy Christopher. Court appointed Co-Lead counsel in this consolidated action stemming from an alleged conspiracy to manipulate Western U.S. power and gas markets.

Case No. CV-03-02172 JW (PVT); *In re Ariba Inc. Derivative Litigation*, In the United States District Court for the Northern District of California-San Jose Division, Honorable Jeremy Fogel. Court appointed Co-Lead counsel in this consolidated action involving improper accounting practices designed to artificially inflate the company's assets and stock price, and improper concealment of insider trading and executive compensation.

Case No. CV 814882; *In re Atmel Corporation Derivative Litigation*; In the Superior Court of California, County of Santa Clara, Honorable Jack Komar. Court appointed Co-Lead counsel in this consolidated action on behalf of a company that designs, manufactures, and markets advanced semiconductors for an alleged conspiracy to conceal the fact the company was misrepresenting its financial results in order to artificially inflate its stock price.

Case No. 2:03-CV-238; *In re King Pharmaceuticals, Inc. Derivative Litigation*; In the United States District Court for the Eastern District of Tennessee-Greenville Division, Honorable Thomas G. Hull. Court appointed Co-Lead counsel in this consolidated shareholder derivative action on behalf of a vertically integrated pharmaceutical company that develops, manufactures, markets and sells branded prescription pharmaceutical products. The action stems from an alleged conspiracy to conceal the fact that the company was misrepresenting its financial results by improperly issuing rebates to non-government clients and recognizing revenue from the government that it was not entitled to, all in order to artificially inflate the company's stock price.

Case No. 03-02641; *Julie Fothergill, Derivatively on Behalf of Michael's Stores, Inc., v. R. Michael Rouleau, et al.*; In the 192nd Judicial District Court of Dallas County, Texas, Judge Merrill Hartman. Court appointed Co-Lead counsel in this action involving improper accounting practices at one of the nation's largest retailers of home decorator and arts and crafts products, designed to artificially inflate the company's assets and stock price, and improper concealment of insider trading and executive compensation.

Case No. 03-1975-H; *In re Blockbuster, Inc. Derivative Litigation*; In the 160th Judicial District Court of Dallas County, Texas, Judge Joe Cox. Court appointed Liaison counsel in this consolidated action arising from improper accounting practices at the nation's largest video rental company designed to artificially inflate the company's assets and stock price, and improperly conceal more than \$25 million in insider trading and executive compensation.

Case No. 5:03-CV-2180; *In re The Goodyear Tire & Rubber Company Derivative Litigation*; In the United States District Court for the Northern District of Ohio, Judge John R. Adams. Co-counsel in this action on behalf of one of the world's most recognized manufacturers and marketers of tires and specialty rubber products for an alleged conspiracy to conceal the fact that the company had misrepresented its financial results by

improperly claiming more than \$100 million in income from 1998 to 2002, in order to artificially inflate the company's stock price.

Health Care Class Action:

Timothy N. Kaiser, M.D. and Suzanne LeBel Corrigan, M.D.S. v. CIGNA Corporation et al; In the Third Judicial Circuit Court of Madison County, Illinois; co-lead counsel in a certified national class action involving in excess of 750,000 health care providers consisting of physicians and hospitals who have sued their PPO insurer over bundling, downcoding, and exclusionary fee service practices.

Tacoma Orthopedic Surgeons, Inc. v. Regence Blueshield, In Superior Court in Pierce County, Washington, seeking a state-wide class action involving in excess of 19,000 health care providers consisting of physicians and hospitals who have sued their PPO insurer over bundling, downcoding, and exclusionary fee service practices.

Medical Negligence/Pharmaceutical Claims:

The Firm has successfully tried a wide variety of medical negligence cases involving orthopedic surgery, ophthalmology, vascular surgery, neurology, gastroenterology, cardiology, pediatrics, emergency medicine and geriatrics. In addition, the firm has successfully litigated numerous medical device and pharmaceutical claims in federal and state forums throughout the United States.